

THE HON'BLE MR. JUSTICE

V.V.S. RAO

W.P.No. 20883 of 2005

Dated: Monday, the 17th day of October, 2005

Between:-

P. Subba Rao and another.

--Petitioner(s)

And

Andhra Pradesh Housing Board rep., by its Vice-Chairman & Housing Commissioner, Gruhakalpa Buildings, Nampally, Hyderabad and four others.

--Respondent (s)

This Court, at the stage of admission, made the following:

Oral order:-

The 2nd petitioner is the daughter of the 1st petitioner. They are aggrieved by the auction notice issued by the A.P. Housing Board, the 1st respondent herein, proposing to sell land in an extent of 3660 Sq. yards along with Divisional Office at M.V.P. Colony, Vishakapatnam. To be precise, the grievance of the petitioners is that towards north of the petitioners' property, there is a road between the Divisional Office and the petitioners' property, which the petitioners and their vendors have been using regularly and that without giving any boundaries of the property to be sold, the 1st respondent is putting the entire land, including the road portion also, to auction.

After hearing arguments for considerable length of time on 27-09-2005, this Court declined to stay the auction, but directed the 1st respondent not to confirm the auction of its property insofar as the road on the northern side of the petitioners' property is concerned. The Housing Board has filed counter affidavit and also placed necessary material claiming absolute title and right over the property, which is identified as Divisional Office, M.V.P. Colony, Vishakapatnam. Be that as it is, today an additional counter affidavit is filed by the Secretary, A.P. Housing Board stating that in view of the dispute between the Andhra Pradesh Housing Board and the Vishakapatnam Urban Development Authority over the land, the proposal to sell the land by public auction is deferred for the time being.

In that view of the matter, it would not be appropriate for this court to decide the question as to whether the land on the northern side of the petitioners' property forms part of the property to be sold by way of auction or it forms part of the 'road' as such over which the petitioners have a right of passage as claimed. This court is also not inclined to decide other questions raised in this writ petition. As and when the Andhra Pradesh Housing Board proposes to sell the property by public auction, liberty is reserved to the petitioners to seek redressal before the appropriate forum, in which event the issue will have to be decided having regard to earlier litigation in civil courts.

The writ petition, with the above observations, is dismissed as without cause of action for the present. No costs.

V.V.S. RAO, J

Dt. 17-10-2005

Pvks/*